

HOUSE BILL 2412

By Lollar

AN ACT to amend Tennessee Code Annotated, Title 39;
Title 40 and Title 55, relative to driving drowsy.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 55, Chapter 10, Part 2, is amended by adding the following language as a new, appropriately designated section:

(a) It is an offense for any person to drive any automobile or other motor driven vehicle on any of the public roads and highways of the state, any shopping center, trailer park, apartment house complex or any other location which is generally frequented by the public at large, when the person has been without sleep for a period in excess of twenty-four (24) hours.

(b) Any person violating subsection (a) shall, upon conviction for a first offense, be sentenced to serve in the county jail or workhouse not less than forty-eight (48) consecutive hours nor more than eleven (11) months and twenty-nine (29) days, and as a condition of probation, shall remove litter during the daylight hours from public roadways or publicly owned property for a period of twenty-four (24) hours in three (3) shifts of eight (8) consecutive hours each.

(c) Any person violating subsection (a) shall, upon conviction for a second offense, be sentenced to serve in the county jail or workhouse not less than forty-five (45) consecutive days nor more than eleven (11) months and twenty-nine (29) days. Upon the conviction of a person on the second offense only, a judge may sentence the person to participate in an eight (8) hour driver safety course certified by the department of safety.

(d) Any person violating subsection (a) shall, upon conviction for a third offense, be sentenced to serve in the county jail or workhouse not less than one hundred twenty (120) consecutive days nor more than eleven (11) months and twenty-nine (29) days.

(e) Any person violating subsection (a) shall, upon conviction for a fourth or subsequent offense be sentenced as a felon to serve not less than one hundred fifty (150) consecutive days nor more than the maximum punishment authorized for the appropriate range of a Class E felony.

SECTION 2. Tennessee Code Annotated, Section 55-10-205, is amended by adding the following language as a new, appropriately designated subsection:

() The trier of fact may infer that if the driver of a motor vehicle fell asleep while driving or was driving after having been without sleep for a period in excess of twenty-four (24) hours, such driver was driving in willful or wanton disregard for the safety of persons or property in violation of this section.

SECTION 3. Tennessee Code Annotated, Section 39-13-215, is amended by adding the following new subsection (b) and by redesignating the subsequent subsections accordingly:

(b) The trier of fact may infer that if the driver of a motor vehicle fell asleep while driving or was driving after having been without sleep for a period in excess of twenty-four (24) hours and that conduct was the proximate cause of a fatal accident, such driver recklessly killed another in violation of this section.

SECTION 4. This act shall take effect July 1, 2014, the public welfare requiring it, and shall apply to offenses committed on or after July 1, 2014.